

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PF030181	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/053135	International filing date (<i>day/month/year</i>) 26.11.2004	Priority date (<i>day/month/year</i>) 01.12.2003
International Patent Classification (IPC) or national classification and IPC G06F17/30		
Applicant THOMSON LICENSING		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-33 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-10 received by this Authority on 29.09.2005 with letter of 29.09.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/13-13/13 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 11, 13
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-10</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-10</u>	NO
	Industrial applicability (IA)	Claims <u>1-10</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following document: D1: WO0135271		
2.	<p>The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined by PCT Article 33(3).</p> <p>D1 describes (the references between parentheses apply to said document) a device for processing data in a database (page 1, lines 14 to 15), which includes:</p> <ul style="list-style-type: none"> - means for automatically selecting data from the database according to selection criteria (page 4, line 16 and page 5, lines 7 to 8); - and means for automatically arranging said selected data in a display space provided for at least one user, said space including a plurality of positions for receiving elements representative of the data (page 2, lines 21 to 25); <p>characterised in that it includes:</p> <ul style="list-style-type: none"> - means for preliminarily defining at least one 		

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	<p>associated display area, consisting of enabled positions, such that said display space includes at least one additional area free of data display, consisting of disabled positions (page 2, lines 21 to 26);</p> <ul style="list-style-type: none">- means for specifying at least one data initialisation element for each of said associated areas (page 2, lines 30 to 31, page 4, lines 15 to 16);- means for positioning said initialisation element in an initialisation position of said associated area corresponding to said element;- means for successively automatically determining new data elements from data already positioned in said associated area, in accordance with at least one proximity ranking relationship on the basis of contents of said data (page 2, line 31 to page 3, line 4);- and means for successively automatically positioning said new data elements in said associated area, in positions adjacent to those occupied by the data elements that have already been positioned (page 6, lines 10 to 31); <p>Said selection means include initial specification means and successive determination means, and said arrangement means include means for preliminarily defining the position of the initialisation element and for performing successive positioning (page 8, line 22 - page 9, line 14).</p> <p>New claim 1 adds the amendment "on condition that said</p>

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positions are not already occupied by previously positioned elements". However, in the context of data display, it is obvious that an element cannot be placed in a position that is already occupied by another element.

The same argument applies, *mutatis mutandis*, to the subject matter of corresponding independent claim 10, which is therefore not novel either.